



DEPARTMENT OF THE ARMY
OFFICE OF THE JUDGE ADVOCATE GENERAL
2200 ARMY PENTAGON
WASHINGTON, DC 20310-2200

REPLY TO
ATTENTION OF

DAJA-ZA

09 JUN 2011

MEMORANDUM FOR JUDGE ADVOCATE LEGAL SERVICE (JALS) PERSONNEL

SUBJECT: Military Justice Skill Identifiers - **POLICY MEMORANDUM 11-7**

1. This policy addresses skill identifiers (SIs) for military justice and provides modifications to the policy originally implemented on 21 July 2008. This policy is effective immediately and supersedes the 21 July 2008 policy. Suggested changes to this policy should be forwarded to the Office of The Judge Advocate General, ATTN: Criminal Law Division (DAJA-CL), 1777 N. Kent St., Rosslyn, VA 22209, or by email to OTJAG.CrimLawDiv@conus.army.mil.

2. Background.

a. Military justice is our Corps' statutory mission. The SI program for military justice encourages Judge Advocates (JAs) to set goals to achieve greater skill in litigation and expertise in military justice. It also allows our Corps to better train and challenge Judge Advocates throughout their careers to improve their military justice proficiency.

b. This policy memo provides four SIs for military justice: *Basic Military Justice Practitioner*, *Senior Military Justice Practitioner*, *Expert Military Justice Practitioner*, and *Master Military Justice Practitioner*. In addition to establishing basic military justice training requirements, these SIs require progressive experience in military justice and litigation assignments and are designed to encourage counsel to seek out litigation-related assignments to deepen their level of military justice training and expertise.

c. While not prerequisites for any duty assignment, the SIs will assist Personnel, Plans, and Training Office (PPTO) in making more informed assignment decisions. SIs will essentially capture experience for use in the assignments process. While no particular SI will be dispositive to any specific position, SIs will assist PPTO in recommending qualified officers for certain jobs.

d. Counsel and supervising Judge Advocates will ensure that the focus remains on providing the best military justice support to commanders and the best representation of clients, and not on acquiring an SI.

3. Military Justice Experience. Military justice experience includes time spent on Active Duty in attorney positions substantially devoted to the investigation, prosecution, or defense of potential violations of the UCMJ, or the management, supervision, or appellate review thereof, i.e., trial counsel, defense counsel, chief of justice, senior defense counsel, military judge. Duty as a Staff Judge Advocate, Deputy Staff Judge Advocate, Brigade Judge Advocate, Command Judge

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Advocate, Officer in Charge, or Special Assistant United States Attorney may qualify upon application through the Office of The Judge Advocate General – Criminal Law Division (OTJAG-CLD) to the Chief of PPTO. The Chief of PPTO has waiver and extension authority for the requirements within each SI and will take into account operational considerations and individual circumstances in awarding SIs.

4. Skill Identifiers.

a. Basic Military Justice Practitioner. This SI requires: (1) completion of the Judge Advocate Officer Basic Course; (2) 18 months as a trial or defense counsel, *or* served as a trial or defense counsel in 15 courts-martial (3 of which must have been contested cases); (3) attendance at The Judge Advocate General's Legal Center and School (TJAGLCS) Criminal Law Advocacy Course (CLAC) (or similar trial advocacy course with prior approval from the Chief of OTJAG-CLD) within 6 months of assuming duty as a trial or defense counsel; and (4) attendance at the TJAGLCS New Developments Course or Trial or Defense Counsel Assistance Program (TCAP, DCAP) training (or similar training course with prior approval from the Chief of OTJAG-CLD) within 12 months of assuming duty as a trial or defense counsel. (*We are aware of the problems associated with TDY during deployments, therefore, we allow for extensions of the time to attain the training. We believe this training is critical for development of new MJ practitioners, and we do not want to categorically provide an exception. We prefer to provide extensions and exceptions on a case by case basis.*) Extensions for training requirements and waiver requests must be sent through OTJAG-CLD to the Chief of PPTO. The experience level of Judge Advocates with SI 1 eligibility would be typical of those who have completed initial military justice assignments as a trial or defense counsel. JAs with this SI typically serve as a senior trial counsel, a Government or Defense Appellate Division (GAD, DAD) Counsel, or a Brigade Combat Team Judge Advocate.

b. Senior Military Justice Practitioner. This SI requires: (1) *Basic Military Justice Practitioner* SI; (2) completion of two advanced military justice or litigation courses (post-SI 1 qualification); (3) a total of 30 months military justice experience (preferably serving as both a trial and defense counsel), *or* served as a trial or defense counsel in 36 courts-martial (7 of which must have been contested cases), *or* a total of 18 months military justice experience *and* written verification from the Chief of Litigation Division (LITDIV), Contract and Fiscal Law Division (KFLD), or Environmental Law Division (ELD) of 24 months experience as a litigation attorney; (4) a written recommendation from an Appellate Military Judge; a Military Judge; a Staff Judge Advocate; a Regional Defense Counsel; or the Chief of GAD, DAD, TDS-HQ, OTJAG-CLD, LITDIV, KFLD, or ELD. Completion of courses on the military justice master synchronized training calendar satisfies the training requirement for this SI. Judge Advocates attending non-TJAGLCS or Army-sponsored courses must receive prior approval from the Chief of OTJAG-CLD to receive credit for the training requirement. Waiver requests for this SI must be sent through the Chief of OTJAG-CLD to the Chief of PPTO. Typically, JAs that are SI 2 qualified serve as Chief of Military Justice, a Senior Defense Counsel, Special Victim Prosecutor, a TCAP or DCAP counsel, Branch Chief of

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GAD or DAD, attorneys serving in the Trial Defense Service Headquarters (TDS-HQ) or OTJAG-CLD, or a TJAGLCS Criminal Law Department Professor.

c. Expert Military Justice Practitioner. This SI requires: (1) *Senior Military Justice Practitioner* SI; (2) completion of the TJAGLCS Graduate Course with 3 elective hours in criminal law (post Graduate Course officers who later seek the SI must take equivalent TJAGLCS short courses or alternate courses approved by the Chief of OTJAG-CLD)(Reservists who have not completed the TJAGLCS Graduate Course and have earned a LL.M. degree in criminal law may apply to the Chief of OTJAG-CLD for an exception to policy); (3) a total of 48 months military justice experience (preferably serving as both a trial and defense counsel), *or* served as a trial or defense counsel in 45 courts-martial (12 of which must have been contested cases), *or* a total of 36 months military justice experience *and* written verification from the Chief of LITDIV, KFLD, or ELD of a total of 30 months experience as a litigation attorney; and (4) a written recommendation from an Appellate Military Judge; a Military Judge; a Staff Judge Advocate; a Regional Defense Counsel; or the Chief of GAD, DAD, TDS-HQ, OTJAG-CLD, LITDIV, KFLD, or ELD. Waiver requests must be sent through the Chief of OTJAG-CLD to the Chief of PPTO. JAs with this SI typically serve as a Chief of Military Justice at a Corps, a Regional Defense Counsel, the Deputy Chief of TDS-HQ, OTJAG-CLD, GAD, or DAD, the Chief of TCAP or DCAP, a Military Judge, or TJAGLCS Criminal Law Department Chair.

d. Master Military Justice Practitioner. This SI requires: (1) *Expert Military Justice Practitioner* SI; (2) a total of 96 months military justice experience, *or* served as a trial counsel, defense counsel, or military judge in 80 courts-martial (18 of which must have been contested cases); (3) served as a Regional Defense Counsel; Chief of Military Justice at a Corps; Professor or Chair of the TJAGLCS Criminal Law Department; Chief of TCAP or DCAP; Deputy Chief of GAD, DAD, OTJAG-CLD, or TDS-HQ; Staff Judge Advocate (may qualify upon application), or Military Judge; and (4) a written recommendation from an Appellate Military Judge; a Military Judge; a Staff Judge Advocate; a Regional Defense Counsel; or the Chief of GAD, DAD, TDS-HQ, OTJAG-CLD, LITDIV, KFLD, or ELD. Waiver requests must be sent through the Chief of OTJAG-CLD to the Chief of PPTO. JAs at this level typically serve as the Chief of GAD, DAD, TDS-HQ, or OTJAG-CLD; Appellate Military Judge, or Chief Trial Judge.

5. Certification Process.


a. All Judge Advocates are expected to certify eligibility for the skill identifiers. This may be accomplished through submission of results of trial, Officer Evaluation Reports (OER) that detail military justice or litigation experience, award citations, or memoranda by current or former supervisors. (*We provided several options because we recognize that many officers will not have trial records immediately available.*) All applicants must submit an updated and accurate Officer Record Brief (ORB). Although not required, Reserve and National Guard Judge Advocates who obtain the necessary requirements during periods of active duty are encouraged to apply for SIs.

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b. Additionally, as noted above, the Chief of PPTO has waiver and extension authority for the requirements within each SI and will take into account operational considerations and individual circumstances in awarding SIs.

c. SI applications, with supporting documentation, should be submitted using the online database located on the Military Justice page of JAGCNET. If there are problems accessing the online database, applications may also be emailed to OTJAG.CrimLawDiv@conus.army.mil for consideration. Any questions regarding submission of packets, waivers, or other matters related to this policy should be directed to OTJAG, Criminal Law Division.


DANA K. CHIPMAN
Lieutenant General, USA
The Judge Advocate General